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REMARKS

Claims 1, 8, 9, 18, 21, and 35 are amended. Accordingly, claims 1-5, 7-11, 13, 18, 21-27, and 35-37 are pending in the present application. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and reasons.

Each of amended independent claims 1, 8, 9, 18, 21, and 35 recites, among other things, that a psychological classification significance pattern for a user is created using a psychological test, wherein at least some of the user's answers to test questions in the psychological test are used to derive the psychological classification significance pattern for the user in a manner not based on keywords or demographic attributes, and that use of the psychological classification significance pattern is consensual and under the user's control during its use.

Traditionally, when a user takes a psychological test and if the test was taken for purposes of possible benefit to the user (e.g., to apply for a job, opinion surveys for money, product warranty activation, dating/matching services, etc.), then the use of the test results is out of the user's control and is instead controlled by the entity/person that provided the test. The entity/person that provided the test may then use the test results for a number of purposes without the user's consent and/or knowledge. Such unknown and/or unrestricted use of the test results raises serious "liability exposure and invasion of privacy considerations." See Paragraph 0005.

Hence, a system and method for use of the psychological classification significance pattern under the user's control while the pattern is in use and requiring mutual consent to use the pattern (e.g., consensual use) is beneficial. "A tool . . . enables individuals to knowingly use their personal significance pattern to search for target information, such as information on jobs, products, and services, thereby reversing the traditional control of such profiling data and alleviating the nonconsensual use of such information." The user is in charge of the dissemination and usage of his psychological classification significance pattern at all times. Since the user is in control throughout the use of his psychological pattern, the user and the third party content with which the pattern is used (e.g., comparison of the user's pattern with job posting profiles) can be on a per one-time usage basis. Since the user is in control during the use of his pattern,

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unauthorized distribution of the pattern is also controlled. See paragraphs 0009, 0011, 0015, 0031.

The "psychological significance pattern is under the user's control, where the use is classified under a classification that is created through an online psychological test, where the classification is used to match users with target information." Privacy and liability issues are thus avoided. Paragraph 0015. The claimed use of the psychological classification significance pattern in a consensual manner and under the user's control during its use is not disclosed in U.S. Patent No. 6,460,036 (Herz).

Additionally, to the extent that Herz discloses psychological information, it is limited to the psychological information implemented as textual attributes. Herz discloses written responses to Rorschach inkblot test and multiple-choice responses to self-image questions as textual attributes. Col. 11, lines 22-47. Applicant's independent claims recite that the derivation of the psychological classification significance pattern is not based on keywords or demographic attributes. See Applicant's response submitted January 24, 2006 for additional discussion.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance over U.S. Patent No. 6,460,036 (Herz). Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

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In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 479942000300. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

By Katherine Lee
Katherine D. LeeRegistration No.: 44,865
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
(415) 268-6983